



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to establish the
California Institute for Climate Solutions.

Rulemaking 07-09-008
(Filed September 20, 2007)

**OPENING COMMENTS OF PACIFIC GAS AND
ELECTRIC COMPANY (U 39 E) ON PROPOSED
DECISION ESTABLISHING CALIFORNIA INSTITUTE
FOR CLIMATE SOLUTIONS**

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Dated: March 3, 2008

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I. INTRODUCTION

Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E) provides its opening comments on the February 11, 2008, Proposed Decision (PD) to establish a California Institute for Climate Solutions (Institute). PG&E's comments are organized into (1) detailed comments; and (2) Attachment A, providing specific recommended revisions to the proposed findings, conclusions of law and ordering paragraphs in the PD.

PG&E supports the establishment of the Institute as described in the PD. This bold initiative will continue California's national and international leadership on one of the most important public policy issues of our time. In these Opening Comments, we seek clarification and recommend improvements in the PD as follows.

II. GOVERNING BOARD

PG&E agrees with the PD that the Governing Board should include representatives from each California-based investor-owned utility (IOU) as specified in Attachment C of the PD. Customers in the service territories of the different IOUs may have unique needs, and it is therefore critical that each IOU have a seat on the

Governing Board in order to act on behalf of its customers. While the Commission's intent regarding the composition of the Governing Board is clearly expressed in Attachment C, we note that the language in the body of the PD is somewhat vague on this point, stating that the seats of the Governing Board will include "...a representative from California-based Investor-owned utilities..." (p.29). The PD should be revised to clarify this language to be consistent with Attachment C as follows: "...a representative from **each of the** California-based Investor-owned utilities..."

It is essential that **all** three major investor-owned utilities be included on the Governing Board, because all three IOUs have different climate change, renewable energy and energy efficiency programs which should benefit from direct ties to the applied R&D programs of the Institute. In addition, each IOU represents a diverse and different set of customers and communities, each of which is vitally interested in the programs and successes of the Institute. For these reasons, PG&E requests that the PD be revised to clarify that all three IOUs will participate on the Governing Board.

III. GRANT ELIGIBILITY

PG&E requests clarification regarding the Grant Administration Policy on Eligibility (p.37 of PD). The PD should be revised to specify the difference between a one-time Institute grant and a programmatic grant that may span multiple grants over multiple years.

PG&E recommends the following specific revision. One-time grants should not be limited to California citizens or require employment by a California-based entity. Climate change research requires specialized expertise which may reside outside of California. For example, the Gas Technology Institute, located in Illinois, conducts

research and development of natural gas technologies such as gasification technologies for renewable fuels. To ensure that California customers reap the most benefits from the funding they provide, the Institute should seek out and award grants to the most qualified researchers rather than setting a geographic limit on grants.

IV. CLARIFICATION REGARDING TECHNOLOGY TRANSFER AND COMMERCIALIZATION

PG&E agrees with the PD that the mission of the Institute is to conduct applied research with an emphasis on the development and rapid transfer of the knowledge gained to the electric and gas sectors for implementation. PG&E supports requiring that a minimum of 75% of the Institute budget be allocated to applied research and development (R&D). PG&E also agrees that the Institute will need to allocate some percentage of its R&D budget to technology transfer and commercialization functions. PG&E believes, however, that the Commission should not limit the budget for technology transfer and commercialization to 5% of the total yearly budget.

Technology transfer is a critical path that bridges R&D and market deployment and requires focused efforts to identify, coordinate and implement technology transfer and commercialization opportunities, such as Institute-industry partnerships, personnel exchange, small-scale demonstration projects, information dissemination, outreach to promote technology awareness and interest, and business incubation support. PG&E is concerned that the “missing piece” in the Institute’s applied R&D program may be the vitally important technology transfer piece, and thus the CPUC should emphasize this element in its guidance and authorization.

The amount and type of technology transfer and commercialization support needed will vary by technology and will need to be coordinated with other sources of

funding where available or applicable. Thus, the technology transfer and commercialization budget should be determined by the Institute through the Roadmap and strategic plan development process, and not be limited to a percentage of the total budget.

In addition to providing flexibility for funding of technology transfer projects, the PD should provide flexibility for the Institute to fund small demonstration and pilot projects that test the commercialization potential of new technologies. The pilot and demonstration process is an essential element in bridging the gap between applied R&D and actual transfer of the technology for commercial use. PG&E recommends that the PD make this option for small demonstration projects explicit in the Institute's authority.

Attachment A provides PG&E's recommended edits to those areas of the PD related to technology transfer, budget allocations and small demonstration projects in order to accomplish these recommendations

V. WORKFORCE TRAINING AND EDUCATION COMMITTEE

The description of the Workforce Training and Education Committee in Attachment A to the PD does not appear to be consistent with the discussion in the PD, and therefore needs to be revised. Section 3.6.2, Workforce Training and Education Committee, states that "[t]he WTEC will include no more than 12 subject matter experts selected from CSU/CC systems, California's IOUs, government, industry, public/private sectors and the environmental and education communities. WTEC members should have subject matter expertise in education, climate change science, economics, workforce development, engineering and any other matter relevant to the work of the WTEC." (P.42) However, Attachment A, the charter of the Institute, indicates that

“Nominees for the Education and Workforce Training Committee shall be selected from the faculties of the UC, CSU and CC systems, Stanford, USC, and Caltech. The Education and Workforce Training Committee shall be co-chaired by the Presidents of the CSU and CC systems or their designees.” (p.7)

The PD should correct this inconsistency and revise Attachment A to include representation from IOUs, government, industry, public/private sectors and the environmental and education communities as stated in the main body of the PD.

VI. CLARIFICATIONS CONCERNING RATEMAKING

A. Scheduling of Rate Changes and Funding

Ordering Paragraphs 7, 8 and 9 of the PD described the ratemaking for INSTITUTE costs. PG&E is concerned that the ratemaking described is overly restrictive and cumbersome. Instead, PG&E recommends changes to these ordering paragraphs to simplify the ratemaking and to provide greater revenue certainty to the Institute.

Ordering Paragraph 7 currently states: Within 30 days of the date of this workshop the utilities shall begin collecting these additional revenues from customers. The utilities shall each file an advice letter within 10 days of the date of the workshop to modify tariffs to implement this decision. The revised tariffs shall become effective no later than 60 days after the effective date of this decision subject to the Energy Division determining that they are in compliance with this order.

At the outset, the Commission does not need to actually change retail electric rates in order to begin remittances to the Institute. By constraining the remittances in this way, the Commission may either force a rate change where one was not otherwise

planned, or delay remittances to await a planned rate change. This complexity is unnecessary and may be avoided by simply allowing the utilities to record these costs to an existing account for later recovery from customers. In this way, the only tariffs that must be approved to begin remittances to the Institute are the preliminary statements describing the where these costs will be recorded. Actual rate changes may then be coordinated with other planned changes. Accordingly, PG&E proposes the following text for OP 7.

OP 7: Revised

The utilities shall each file an advice letter within 10 days of the date of the workshop to modify tariffs to implement this decision. The revised tariffs shall become effective no later than 60 days after the effective date of this decision subject to Energy Division determining that they are in compliance with this order. The utilities may consolidate rate changes with other planned rate changes following approval of the tariff changes.

Ordering Paragraph 8 currently states: “Once the utilities collect ratepayer funds for CICS, these funds are to be kept in a separate memorandum account, the CICS Memorandum Account, until the funds are delivered to the Institute.” Again, the ordering paragraph does not need to be this restrictive. Instead, it is simply necessary to allow the utilities to record the costs to an appropriate account. We recommend the following text.

OP 8: Revised

The utilities may record in a memorandum account, the CICS Memorandum Account, or an existing account, as deemed appropriate, the actual payments made to the CICS.

Finally, Ordering Paragraph 9 states that: “Payments from the CICS Memorandum Account will be on a uniform monthly basis so that the annual allocation for each utility is paid in full by March 31st of each year of the program commencing in 2009.” PG&E understands that the purpose of this Ordering Paragraph is to ensure that the full annual cost is remitted to the institute by March 31 of next year and each year

thereafter. Of course, this will depend on when remittances start and must be subject to Commission approval of the preliminary statements discussed above. PG&E requests the following change to OP 9 in order to make these basic concepts absolutely clear.

OP 9: Revised

Utilities are authorized to make monthly payments to the Institute as determined in the workshop and consistent with the approved tariff. Payments will be on a uniform monthly basis so that the annual allocation for each utility is paid in full by March 31st of each year of the program commencing in 2009. Therefore, for 2008 (through March 2009), monthly payments and accruals will be set by dividing the authorized annual amounts by the number of months remaining in the fiscal period through March 2009. Subsequently, the authorized monthly amounts will equal the authorized annual amounts divided by 12 for the year ending with the following March.

The approach described by these revised ordering paragraphs would simplify the ratemaking by not requiring a separate mechanism with a separate rate component to determine INSTITUTE revenue. In addition, as discussed above, this approach would not require payments to the Institute to be dependent on when rates change or when revenues are received from customers^{1/}. This approach would allow payments to start the month the cost begins to be recorded in the existing balancing accounts and requires only approval of changes to the preliminary statements where INSTITUTE revenue is recorded. As such, this approach is consistent with the intent of the proposed decision without adding the ratemaking complexity.

B. Allocation of Institute Costs Among Electric and Gas Utilities

With regard to allocation of INSTITUTE costs among gas and electric utilities, the PD states: "We find that double-charging electricity consumers is an inequitable outcome and so gas used for electric generation supplied to IOU customers should be

^{1/} PG&E is planning a rate change on May 1, 2008, but is not currently scheduled to change rates again until January 1, 2009. In order to reflect CICS in electric rates on May 1, a final decision and a final electric revenue requirement for PG&E must be available by April 10, 2008.

exempted. The costs should be apportioned between gas and electric customers based on the percentage of total 2007 state revenues once electricity generation, wholesale sales to municipalities and DWR revenues are excluded." (PD, p.20)

PG&E finds the basis of the allocation between gas and electric to be unclear. While PG&E understands that this issue will be further discussed in workshops, it is appropriate at this time to make the basic objective clear to provide a foundation for workshops. For electric revenues first, PG&E understands that the intent is to remove all generation costs (collected from bundled customers). This leaves non-generation revenue from all customers, both bundled and direct access. PG&E agrees with this approach and believes nothing further needs to be added for electric. Excluding electric generation revenue in this manner ensures that customers that do not purchase electric commodity from the utilities will be allocated an amount for THE INSTITUTE comparable to customers that do purchase electric commodity from the utility. This is only fair because all customers should contribute to this fund equivalently, regardless of who the commodity provider is. PG&E also agrees that revenue from wholesale customers should be excluded. Left without further modification, however, it appears that revenue associated with retail gas commodity sales would also be left in the base revenue used for allocation of cost between gas and electric utilities. We believe this would be fundamentally incorrect and inconsistent with the electric treatment. To correct this, PG&E recommends that gas commodity sales revenue be added to the list of exclusions in the same way that electric generation revenues are excluded. Failure to exclude gas commodity revenues would inappropriately bias the allocation of these program costs by allocating too much cost to gas utilities. Instead, commodity gas and

electric revenues should be removed such that the basis for allocation to gas and electric customers is comparable, and that comparable allocations are made across gas and electric utilities without regard to participation in direct access (electric) or transport only (gas) programs.

C. Allocation of Institute Costs Among Customers

Ordering Paragraph 6 of the PD requires the utilities to allocate Institute costs among customers based on an equal cents per kWh or equal cents per therm basis.

Ordering Paragraph 6 states:

“The utilities shall allocate these additional revenues on an equal cents per kWh or cents per Therm basis.”

PG&E urges the Commission to revise this approach for both gas and electric rates. As PG&E stated in its earlier comments in this proceeding, very few electric components are allocated on an equal cents per kWh basis. They are the DWR Bond costs, the Energy Cost Recovery Amounts (ECRA), Nuclear Decommissioning (ND) costs and the CARE surcharge (which funds low income rates). None of these items are comparable in purpose to the stated intent of the Institute. On the other hand, all non-CARE components of the public purpose program charge rates, which fund public programs comparable to the Institute’s, are allocated on a percent of revenue basis. These include renewables, RD&D, energy efficiency,^{2/} low income energy efficiency and procurement energy efficiency costs. These items have more in common with the Institute’s costs than the items listed above, because most focus on public purpose programs such as cost effective energy efficiency and customer side generation. In its

^{2/} These three items, renewables, energy efficiency and research, development and demonstration, were initially allocated on a percent of revenue basis and have since been subject to a rate cap per Public Utilities Code Section 399(c)(2).

prior comments, PG&E also showed that the California Solar Initiative (CSI), Self Generation Incentive Program (SGIP) and Climate Smart revenue requirements recently were revised to be allocated also on a percent of revenue basis. Again, the Institute's programs are more similar to these items than the DWR Bond, ECRA, ND and the CARE surcharge.

For these reasons, the Commission should allocate all of these charges similarly based on percent of revenue. In reply comments, DRA (p. 11) notes that the percent of revenue approach adopted for CSI, SGIP and ClimateSmart were approved as part of a settlement and therefore should not serve as a precedent for Institute funding. PG&E agrees that the adopted allocation of these programs need not be a precedent which would require a particular allocation of Institute costs. Instead, PG&E believes that the allocation of these costs based on equal percent of revenue is a reasonable common allocation for these types of costs, but not a precedent for other costs.

PG&E notes that if a Commission precedent for allocation of these costs were to be used, CSI, SGIP and ClimateSmart would all be allocated based on an equal percent of electric distribution revenue which was the adopted allocation for PG&E prior to January 1, 2008. Under this precedent, the residential class would bear more of the Institute's cost under a distribution allocation than under the percent of total revenue approach proposed by PG&E. In any event, nowhere is there a precedent for allocation of these electric costs that would suggest that equal cents was appropriate or ever used previously.

The only conceivable justification for the PD's allocation approach is in R.07-09-008 proceeding (p. 6) which asks for comments on a suggested equal cents/therm approach because climate change is caused in significant part by generation and consumption of electricity and natural gas. While this may be true, this fact does not sufficiently differentiate Institute costs from other public purpose costs allocated based on percent of revenue which itself also has the benefit of reducing consumption. PG&E urges the Commission to allocate these costs in the same manner as other Energy Efficiency costs.

The case for allocation of Institute costs among gas customers using equal cents per therm is also not apparent. Energy efficiency costs are allocated based on direct benefits with LIEE costs also following that allocation. CEE costs are allocated using marginal customer costs, while, of these program costs, only RD&D costs are allocated on equal cents per therm. PG&E continues to believe that Institute costs allocated to gas service should be allocated in the same manner as other gas EE programs.

Finally, page 21 of the PD cautions utilities to ensure that AB 1X rate restrictions are respected when designing rates to collect the Institute revenue requirement. PG&E agrees and will utilize the Commission-adopted approach to implementing a change to non-CARE PPP charges consistent with the AB 1X rate cap.

PG&E's recommended revisions to the Ordering Paragraphs to accomplish these changes are attached.

VII. CONCLUSION

With these recommended clarifications, PG&E supports the PD and commends the Commission for the innovative thought that has been put into the revised proposal for the Institute. We look forward to working with the new Institute and its governing

board to make the exciting promise of the Institute a reality for all utility customers and California citizens generally.

Respectfully Submitted,

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Dated: March 3, 2008

Attachment A—Proposed Revisions to Findings, Conclusions and Ordering Paragraphs

1. Findings of Fact #1, first bullet:

“To administer grants to facilitate mission-oriented, applied and directed research, **including small-scale demonstration**, that results in practical technological solutions and policy recommendations likely to reduce GHG emissions or otherwise mitigate the impacts of climate change in California;”

2. Findings of Fact # 11:

“11. We acknowledge that the Institute will need to allocate some percentage of its R&D budget to ~~technology transfer and commercialization functions, but~~ these costs should not exceed 5% of the total yearly budget for CICS **identifying, coordinating and implementing technology transfer and commercialization opportunities, including but not limited to: Institute-industry partnerships, personnel exchange, small-scale demonstration projects, information dissemination, outreach to promote technology awareness and interest, and business incubation support.**”

3. Conclusions of Law #7 :

“7. The Institute should allocate the \$60 million funding for each year of the Institute’s operation among the Institute’s activities as follows: except for the initial start-up year, administrative costs should not exceed 10%; funds for the workforce and education training program should not fall below 10%; ~~technology transfer and commercialization functions should not exceed 5%;~~ **applied** technological R&D through the grant administration process should not fall below 75%; no money is authorized for the purchase of equipment beyond the 10% allotted for hub administration. As specified in the decision, grant recipients may purchase equipment. The Governing Board and Institute Executive Director may exercise discretion in the percentage allocation among the administrative, technology transfer and workforce training and education funds, but not with the **minimum** 75% of the budget allocated strictly for **applied** R&D activities.”

4. Ordering Paragraph #6:

“The utilities shall allocate these additional revenues on **a percent of revenue** ~~an equal cents per kWh or cents per Therm~~ basis.”

5. Ordering Paragraph #7 – Delete and replace with:

“The utilities shall each file an advice letter within 10 days of the date of the

workshop to modify tariffs to implement this decision. The revised tariffs shall become effective no later than 60 days after the effective date of this decision subject to Energy Division determining that they are in compliance with this order. The utilities may consolidate rate changes with other planned rate changes following approval of the tariff changes.”

6. Ordering Paragraph #8 – Delete and replace with:

“The utilities may record in a memorandum account, the CICS Memorandum Account, or an existing account, as deemed appropriate, the actual payments made to the CICS.”

7. Ordering Paragraph #9 – Delete and replace with:

“Utilities are authorized to make monthly payments to the CICS as determined in the workshop and consistent with the approved tariff. Payments will be on a uniform monthly basis so that the annual allocation for each utility is paid in full by March 31st of each year of the program commencing in 2009. Therefore, for 2008 (through March 2009), monthly payments and accruals will be set by dividing the authorized annual amounts by the number of months remaining in the fiscal period through March 2009. Subsequently, the authorized monthly amounts will equal the authorized annual amounts divided by 12 for the year ending with the following March.”

Ordering Paragraph #10 -- Delete:

~~“Once CICS receives ratepayer funds, CICS is to keep the”~~

6. Ordering Paragraph #12:

“12. The \$60 million funding for each year of the Institute’s operation should be allotted among the Institute’s activities as follows: except for the initial startup year, administrative costs should not exceed 10%; funds for the workforce and education training program should not fall below 10%; ~~technology transfer and commercialization functions should not exceed 5%~~; **applied** technological R&D through the grant administration process should not fall below 75% of the budget; no money is authorized for the purchase of research equipment or information infrastructure for the central hub of the Institute beyond the 10% allocated for program administration. Grant recipients may spend grant money on equipment if the need for the equipment was identified in their grant application. The Governing Board and Institute Executive Director may exercise discretion in the percentage allocation among the administrative, technology transfer and workforce training and education funds, but not with ~~not spending~~ **the minimum** 75% **allocated to applied** ~~on~~ R&D activities.”

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of **“OPENING COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) ON PROPOSED DECISION ESTABLISHING CALIFORNIA INSTITUTE FOR CLIMATE SOLUTIONS”** on the parties listed in the official service list for R.07-09-008 by

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Executed on March 3, 2008, at San Francisco, California.

/s/
MARTIE L. WAY

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